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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,487	01/23/2002	Klaus Freier	03100133AA	7298

30743 7590 07/25/2003

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EXAMINER

YEE, DEBORAH

ART UNIT	PAPER NUMBER
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1742

DATE MAILED: 07/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/052,487

Applicant(s)

FREIER ET AL.

Examiner

Deborah Yee

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 11 to 17 is/are rejected.
- 7) ☒ Claim(s) 3 to 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities: Lines 25 to 30 on page 8 discloses chemical compositions are given in the enclosed Table 1, yet there is no Table 1. Moreover, a brief description of drawings is needed in specification.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 to 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites "...if appropriate, a dressing operation after hot rolling..." which is indefinite because it is uncertain when it is or it is not appropriate to apply. Also the term "bell-type" is indefinite and the word "type" needs to be omitted.

Claim 1 awkwardly recites "...has a bake-hardening potential after a subsequent deformation and for a subsequent temperature treatment..." It is recommended to use language such as ---has a bake-hardening potential after a subsequent temperature treatment and subsequent deformation---. Same applies to claim 12. Note that according to applicant's specification on page 6, bake-hardening potential occurs only after brief annealing followed by dressing (deformation).

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The compositions of St12 to St15 and ZstEI and ZstE are not disclosed in the claims or specification.

Claim 3 is indefinite because strip is subjected to recrystallized annealing while coiled and then subjected to brief annealing as an uncoiled strip. The step of uncoiling is missing from the process claim and should be incorporated.

Process claims needs to recite active steps, e.g. dressing, cooling

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over the English abstract of Russian patent 21654650.

The English abstract discloses a steel sheet formed by hot rolling, coiling, cold rolling and recrystallizing annealing in a bell-shaped furnace at a temperature 40 to 70C above AC1 followed by air cooling to lower temperatures. Although prior art does not teach a cooling rate of greater than 1C/s as recited by claim 1, such would be expected because similar to present invention, the Russian patent teaches air cooling.

Claims 11 to 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arai et al (US Patent 4,584,035), Japanese patent 403044423 or Japanese patent 404268057 or Japanese patent 07216501.

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The abstracts of each patent discloses a cold-rolled strip or sheet with good deforming properties and having a carbon content of 0.02% or more with cementite precipitations throughout the matrix. Hence the prior art discloses a product substantially similar to the claimed product, differing only in the manner by which it is produced. The burden falls to the applicant to show that any process steps associated with the claimed product result in a materially different product from those of the prior art, because there is nothing in the record before the examiner to reasonably conclude that applicant's product differs in kind from those obtained by the references. See *In re Brown*, 173USPQ685 and *In re Fessmann*, 180USPQ324.

Allowable Subject Matter

Claims 3 to 10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The art of record does not teach or fairly suggest the process for producing a cold-rolled strip or sheet of steel comprising the steps of hot rolling, coiling, cold rolling, recrystallized annealing in a bell-shaped furnace while coiled and then subjected to cooling at a rate of 1C/s or greater at a temperature of 200C to A1, subsequently uncoiling steel strip or sheet followed by brief annealing at temperature T for an annealing period of 20 minutes or less in order to enhance bake-hardening potential followed by a dressing operation (gently rolling 0.5 to 2%).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Deborah Yee whose telephone number is 703-308-1102. The examiner can normally be reached on Monday-Friday from 6:30 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on 703-308-1146. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-873-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

dy
July 15, 2003


DEBORAH YEE
PRIMARY EXAMINER